

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Lance P. McCullough
Janelle L. McCullough
Debtor(s)

Bankruptcy Case No.: 12-23412-GLT
Issued Per 12/8/2016 Proceeding
Chapter: 13
Docket No.: 155 – 152, 153
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 28, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,000.00 as of December, 2016. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: December 12, 2016

cc: All Parties in Interest to be served by Clerk in seven (7) days

Imaged Certificate of Notice Page 4 of 5

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Lance P. McCullough
Janelle L. McCullough
DebtorsCase No. 12-23412-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
Form ID: 149Page 1 of 2
Total Noticed: 31

Date Rcvd: Dec 12, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 14, 2016.
db/jdb

+Lance P. McCullough, Janelle L. McCullough, 401 Wissner Avenue,
Beaver Falls, PA 15010-2965

cr +BANK OF AMERICA, N.A., 7105 CORPORATE DR, PLANO, TX 75024-4100
cr Duquesne Light Company, c/o Peter J. Ashcroft, 2200 Gulf Tower, Pittsburgh, PA 15219
cr +Specialized Loan Servicing LLC, 14841 Dallas Parkway Suite 300, Dallas, TX 75254-7883
cr +The Bank of New York Mellon FKA The Bank of New Yo, 14841 Dallas Parkway, Suite 300,
DALLAS, TX 75254-7883

13435150 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: FIA CARD SERVICES, N.A., PO Box 15102,
Wilmington, DE 19886-5102)

13424734 +Bank of America, 7105 Corporate Drive, PTX B-209, Plano, TX 75024-4100
13507836 Bank of America, N.A., P.O. Box 660933, Dallas, TX 75266-0933
13415205 +Bank of New York Mellon, 7105 Corporate Drive, PTX-B-29, Plano, TX 75024-4100
13424735 +Bank of New York Mellon, c/o KML Law Group PC, 701 Market Street, Suite 5000,
Attention: Michael McKeever, Esq., Philadelphia, PA 19106-1541

13424736 +Capital One, P. O. Box 30285, General Correspondence, Salt Lake City, UT 84130-0285
13424737 ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
(address filed with court: Dell Financial Services, P. O. Box 81577, Austin, TX 78708-1577)

13415206 +David Fein, Esquire, KML Law Group, PC, 701 Market Street, Suite 5000,
Philadelphia, PA 19106-1541

13424738 ++FIFTH THIRD BANK, MD# ROPS05 BANKRUPTCY DEPT, 1850 EAST PARIS SE,
GRAND RAPIDS MI 49546-6253
(address filed with court: Fifth Third Bank, P. O. Box 630778, Cincinnati, OH 45263)

13423731 +FIFTH THIRD BANK, 9441 LBJ FREEWAY, SUITE 350, DALLAS, TEXAS 75243-4652
13424740 +HSBC Retail Services, P. O. Box 17602, Baltimore, MD 21297-1602
13424741 Precision Recovery Analytics, Inc., c/o Cavalry Advisory Svcs,
800 Summit Lake Drive, Suite 400, Valhalla, NY 10595

13424742 +Retail Services, P. O. Box 17602, Baltimore, MD 21297-1602
13942323 +Specialized Loan Servicing LLC, 8742 Lucent Blvd Suite 300, Highlands Ranch, CO 80129-2386
13618708 eCast Settlement Corporation, PO Box 28136, New York, NY 10087-8136

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/Text: bnc@bass-associates.com Dec 13 2016 01:59:18 Capital One, N.A.,
Bass & Associates, P.C., 3936 E. Ft. Lowell Rd, Suite #200, Tucson, AZ 85712-1083

cr E-mail/PDF: rmscedi@recoverycorp.com Dec 13 2016 01:55:31
Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120,
Miami, FL 33131-1605

cr +E-mail/Text: bnc@bass-associates.com Dec 13 2016 01:59:19 eCAST Settlement Corporation,
c/o Bass & Associates, P.C., 3936 E Ft. Lowell, Suite 200, TUCSON, AZ 85712-1083

13451730 +E-mail/Text: bnc@bass-associates.com Dec 13 2016 01:59:18 Capital One, N.A.,
c/o Bass & Associates, P.C., 3936 E. Ft. Lowell Road, Suite #200, Tucson, AZ 85712-1083

13476569 +E-mail/Text: DQENOTICES@BERNSTEINLAW.COM Dec 13 2016 02:00:45 Duquesne Light Company,
c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200 Gulf Tower,
Pittsburgh, PA 15219-1908

13424739 +E-mail/PDF: gecsedirecoverycorp.com Dec 13 2016 01:54:59 GEMB/JCPenney, P. o. Box 981064,
El Paso, TX 79998-1064

13509896 E-mail/PDF: resurgentbknofications@resurgent.com Dec 13 2016 01:55:05 LVNV Funding LLC,
c/o Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587

13501395 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 13 2016 02:05:50
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541

13422865 +E-mail/Text: bankruptcy@cavps.com Dec 13 2016 02:00:21 Precision Recovery Analytics, Inc,
c/o Cavalry Advisory Services, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340

13421920 E-mail/PDF: rmscedi@recoverycorp.com Dec 13 2016 01:55:31
Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120,
Miami, FL 33131-1605

13777686 E-mail/PDF: pa_dc_ed@navient.com Dec 13 2016 01:55:29 Sallie Mae Inc. on behalf of,
Department of Education, P.O. Box 740351, Atlanta, GA. 30374-0351

TOTAL: 11

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr The Bank of New York Mellon, et al...

cr* LVNV Funding LLC, c/o Resurgent Capital Services, P.O. Box 10587,
Greenville, SC 29603-0587

cr* +Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300, Highlands Ranch, CO 80129-2386
13430064* ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
(address filed with court: Dell Financial Services, LLC, Resurgent Capital Services,
PO Box 10390, Greenville, SC 29603-0390)

District/off: 0315-2

User: dbas
Form ID: 149

Page 2 of 2
Total Noticed: 31

Date Rcvd: Dec 12, 2016

13424733 ##+Bank of America, P. O. Box 15026, Wilmington, DE 19850-5026

TOTALS: 1, * 3, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 14, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on December 12, 2016 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor The Bank of New York Mellon, et al...
agornall@goldbecklaw.com, bkgroup@goldbecklaw.com;bkgroup@kmlawgroup.com
Andrew F Gornall on behalf of Creditor BANK OF AMERICA, N.A. agornall@goldbecklaw.com,
bkgroup@goldbecklaw.com;bkgroup@kmlawgroup.com
David Z. Valencik on behalf of Joint Debtor Janelle L. McCullough dvalencik@c-vlaw.com,
cvlaw.ecf.dvalencik@gmail.com;aheath@c-vlaw.com;kmosur@c-vlaw.com
David Z. Valencik on behalf of Debtor Lance P. McCullough dvalencik@c-vlaw.com,
cvlaw.ecf.dvalencik@gmail.com;aheath@c-vlaw.com;kmosur@c-vlaw.com
Donald R. Calaiaro on behalf of Joint Debtor Janelle L. McCullough dcalaiaro@c-vlaw.com,
cvlaw.ecf.dcalaiaro@gmail.com;aheath@c-vlaw.com;kmosur@c-vlaw.com
Donald R. Calaiaro on behalf of Debtor Lance P. McCullough dcalaiaro@c-vlaw.com,
cvlaw.ecf.dcalaiaro@gmail.com;aheath@c-vlaw.com;kmosur@c-vlaw.com
Mark B. Peduto on behalf of Joint Debtor Janelle L. McCullough pandaecfinbox@yahoo.com
Mark B. Peduto on behalf of Debtor Lance P. McCullough pandaecfinbox@yahoo.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,
ckutch@ecf.courtdrive.com;pashcroft@ecf.courtdrive.com;pghecf@bernsteinlaw.com;cabbott@ecf.court
rive.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 11